

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00022-CRC**

PENA-MARTINEZ v. UNITED STATES DEPARTMENT OF JUSTICE

Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Date Filed: 01/04/2018

Jury Demand: None

Nature of Suit: 550 Prisoner Petition: Civil Rights (Other)

Jurisdiction: Federal Question

Plaintiff

MANUEL PENA-MARTINEZ

represented by **MANUEL PENA-MARTINEZ**
23074-069
FPC PENSACOLA FEDERAL PRISON
CAMP
110 Raby Avenue
Pensacola, FL 32509
PRO SE

V.

Defendant

UNITED STATES DEPARTMENT OF JUSTICE

represented by **Paul A. Mussenden**
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| Date Filed | # | Docket Text |
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| 01/04/2018 | | Initiating Pleading & IFP Application Received on 12/26/17. (zsth) (Entered: 01/12/2018) |
| 01/04/2018 | <u>1</u> | COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE filed by MANUEL PENA-MARTINEZ. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(zsth) (Entered: 01/12/2018) |
| 01/04/2018 | <u>2</u> | MOTION for Leave to Proceed in forma pauperis by MANUEL PENA-MARTINEZ (zsth) (Main Document 2 replaced on 1/17/2018) (zsth). (Entered: 01/12/2018) |
| 01/04/2018 | <u>3</u> | PRISONER TRUST FUND ACCOUNT STATEMENT by MANUEL PENA-MARTINEZ (zsth) (Entered: 01/17/2018) |
| 02/27/2018 | <u>4</u> | PRO SE ORDER directing within 30 days of this Order, plaintiff shall supplement the statement already provided to include the months of July 2017, August 2017 and |

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| | | December 2017. After submission of the trust fund information, the Court will determine the plaintiff's ability to pay the entire amount in one payment. If the Court determines that the plaintiff does not have sufficient funds to pay the filing fee at one time, the Court will assess an initial partial filing fee. After payment of the initial partial filing fee, monthly payments of 20 percent of the deposits made to the plaintiff's trust fund account during the preceding month will be forwarded to the clerk of the Court each time the account balance exceeds \$10.00. Payments will continue until the filing fee is paid. Failure to comply will result in dismissal of case. Plaintiff shall provide the requested information specific within this order. Signed by Judge Trevor N. McFadden on 2/26/18. (zsth) (Entered: 02/27/2018) |
| 03/22/2018 | <u>5</u> | MOTION to Compliance by MANUEL PENA-MARTINEZ (Attachments: # <u>1</u> Supplement Trust Account Statement)(zsth) (Entered: 03/30/2018) |
| 04/24/2018 | <u>6</u> | ORDER granting <u>5</u> Motion to Compliance; granting <u>2</u> Motion for Leave to Proceed in forma pauperis. Plaintiff is obligated to pay an initial partial filing fee in the amount of \$30.50 to the Clerk of the United States District Court for the District of Columbia. Plaintiff is obligated hereafter to pay the United States District Court for the District of Columbia twenty percent of the preceding month's income credited to his prison account as continued partial payments on the remaining balance of the \$350.00 filing fee.. Signed by Judge Emmet G. Sullivan on 4/24/18. (zsth) (Entered: 04/26/2018) |
| 04/26/2018 | | Case Reassigned to Judge Christopher R. Cooper. Unassigned is no longer assigned to the case. (zsth) (Entered: 04/26/2018) |
| 04/27/2018 | <u>16</u> | SUMMONS (3) Issued as to UNITED STATES DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (zrdj) (Entered: 10/02/2018) |
| 05/16/2018 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/16/2018. Answer due for ALL FEDERAL DEFENDANTS by 6/15/2018. (ztd) (Entered: 05/17/2018) |
| 05/30/2018 | <u>8</u> | NOTICE of Appearance by Wyneva Johnson on behalf of All Defendants (Johnson, Wyneva) (Entered: 05/30/2018) |
| 06/11/2018 | <u>9</u> | MOTION for Extension of Time to File Answer by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 06/11/2018) |
| 06/13/2018 | | MINUTE ORDER granting <u>9</u> Defendant's Motion for Extension of Time to Answer. Defendant's answer or other response to the complaint is due by July 30, 2018. Signed by Judge Christopher R. Cooper on 6/13/2018. (lccrc1) (Entered: 06/13/2018) |
| 06/13/2018 | | Set/Reset Deadlines: Answer due by 7/30/2018 (lsj) (Entered: 06/13/2018) |
| 07/26/2018 | <u>10</u> | MOTION for Extension of Time to File Answer by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 07/26/2018) |
| 07/26/2018 | <u>11</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/03/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF JUSTICE served on 5/3/2018 (zsb) (Entered: 07/27/2018) |
| 08/13/2018 | <u>12</u> | MOTION for Extension of Time to by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 08/13/2018) |
| 08/14/2018 | | MINUTE ORDER granting <u>12</u> Defendant's Motion for Extension of Time to Respond to Complaint. Defendant's answer or other response to the complaint is due by August 15, 2018. Signed by Judge Christopher R. Cooper on 8/14/2018. (lccrc1) (Entered: 08/14/2018) |
| 08/14/2018 | | Set/Reset Deadlines: Answer due by 8/15/2018 (lsj) (Entered: 08/14/2018) |

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| 08/15/2018 | <u>13</u> | MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's Complaint</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 08/15/2018) |
| 08/17/2018 | <u>14</u> | ANSWER to <u>1</u> Complaint by UNITED STATES DEPARTMENT OF JUSTICE.(Johnson, Wyneva) (Entered: 08/17/2018) |
| 08/23/2018 | | MINUTE ORDER granting <u>13</u> Defendant's Motion for Extension of Time to File Response <i>nunc pro tunc</i> . Signed by Judge Christopher R. Cooper on 8/23/2018. (lccrc1) (Entered: 08/23/2018) |
| 08/24/2018 | | MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The government is ORDERED to file a proposed schedule for further proceedings by September 7, 2018. Plaintiff shall file any response to the government's proposal by September 28, 2018. Signed by Judge Christopher R. Cooper on 8/24/2018. (lccrc1) (Entered: 08/24/2018) |
| 08/27/2018 | | Set/Reset Deadlines: Plaintiff's Responses due by 9/28/2018 (lsj) (Entered: 08/27/2018) |
| 08/30/2018 | <u>15</u> | RESPONSE TO ORDER OF THE COURT re Order, <i>August 24, 2018 Order</i> , filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 08/30/2018) |
| 10/10/2018 | | MINUTE ORDER: Upon consideration of Defendant's <u>15</u> proposed briefing schedule, it is hereby ORDERED that the parties' dispositive motions are due by October 22, 2018; responses to those motions are due by November 14, 2018; and replies in support of dispositive motions are due by November 28, 2018. Signed by Judge Christopher R. Cooper on 10/10/2018. (lccrc1) (Entered: 10/10/2018) |
| 10/10/2018 | | Set/Reset Deadlines: Dispositive Motions due by 10/22/2018. Response to Dispositive Motions due by 11/14/2018. Reply to Dispositive Motions due by 11/28/2018. (znbn) (Entered: 10/11/2018) |
| 10/22/2018 | <u>17</u> | MOTION for Extension of Time to <i>file Dispositive Motion</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 10/22/2018) |
| 10/22/2018 | | MINUTE ORDER granting <u>17</u> Defendant's Motion for Extension of Time. Defendant shall file its motion for summary judgment by October 24, 2018. Signed by Judge Christopher R. Cooper on 10/22/2018. (lccrc1) (Entered: 10/22/2018) |
| 10/24/2018 | <u>18</u> | MOTION for Extension of Time to <i>file Defendant's Motion for Summary Judgment on October 25, 2018</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) Modified on 10/25/2018 (ztd). (Entered: 10/24/2018) |
| 10/25/2018 | | MINUTE ORDER granting <u>18</u> Defendant's Motion for Extension of Time to File Motion for Summary Judgment. Defendant shall file its motion on October 25, 2018. Signed by Judge Christopher R. Cooper on 10/25/2018. (lccrc1) (Entered: 10/25/2018) |
| 10/25/2018 | | Set/Reset Deadlines: Motions due by 10/25/2018. (znbn) (Entered: 10/25/2018) |
| 10/25/2018 | <u>19</u> | MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Declaration D. Hardy, # <u>2</u> Declaration H. Ramirez-Carbo, # <u>3</u> Declaration T. Smith, # <u>4</u> Declaration G. Brodfuehrer, # <u>5</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 10/25/2018) |
| 12/07/2018 | <u>20</u> | Order advising plaintiff to respond or Court may deem matter as conceded. Plaintiff shall file his response by December 28, 2018. See full order for details. Signed by Judge Christopher R. Cooper on 12/7/2018. (lccrc1) (Entered: 12/07/2018) |
| 12/07/2018 | | Set/Reset Deadlines: Plaintiff's Response due by 12/28/2018 (lsj) (Entered: 12/07/2018) |
| 02/26/2019 | <u>21</u> | OPINION AND ORDER denying without prejudice <u>19</u> Defendant's Motion for Summary Judgment. The government shall file any renewed motion, with supplemental declarations, on or before March 28, 2019. Signed by Judge Christopher R. Cooper on 2/26/2019. (lccrc1) (Entered: 02/26/2019) |

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| 02/26/2019 | | Set/Reset Deadlines: Renewed Summary Judgment motions with supplemental declaration due by 3/28/2019. (lsj) (Entered: 02/26/2019) |
| 03/27/2019 | <u>22</u> | MOTION for Extension of Time to <i>File a Renewed Motion for Summary Judgment and Supplemental Declaration</i> by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 03/27/2019) |
| 03/29/2019 | | MINUTE ORDER granting <u>22</u> Defendant's Motion for Extension of Time. Defendant shall file its renewed motion for summary judgment by May 6, 2019. Signed by Judge Christopher R. Cooper on 3/29/2019. (lccrc1) (Entered: 03/29/2019) |
| 03/29/2019 | | Set/Reset Deadlines: Summary Judgment motions due by 5/6/2019. (lsj) (Entered: 03/29/2019) |
| 05/06/2019 | <u>23</u> | RESPONSE TO ORDER OF THE COURT re <u>21</u> Order on Motion for Summary Judgment, filed by UNITED STATES DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Johnson, Wyneva) (Entered: 05/06/2019) |
| 05/07/2019 | | MINUTE ORDER: In light of <u>23</u> Defendant's Response to the Court's Order, which represents that Colon's status as an informant was confirmed with respect to the specific investigative operation discussed, it is hereby ORDERED that Defendant shall perform a search for and process records responsive to Plaintiff's request. It is further ORDERED that Defendant shall file a status report no later than July 5, 2019 on the status of that search and the need for further proceedings in this matter. Signed by Judge Christopher R. Cooper on 5/7/2019. (lccrc1) (Entered: 05/07/2019) |
| 05/07/2019 | | Set/Reset Deadlines: Status Report due by 7/5/2019. (znbn) (Entered: 05/07/2019) |
| 06/05/2019 | <u>24</u> | NOTICE by MANUEL PENA–MARTINEZ (ztd);("Leave to file Granted" signed 6/5/19 by Judge Christopher R. Cooper) (Entered: 06/05/2019) |
| 06/05/2019 | <u>25</u> | MOTION for Mediation by MANUEL PENA–MARTINEZ (ztd); (See docket entry no. <u>24</u> to view.) (Entered: 06/05/2019) |
| 06/05/2019 | | MINUTE ORDER denying <u>25</u> Plaintiff's Motion for Mediation. Signed by Judge Christopher R. Cooper on 6/5/2019. (lccrc1) (Entered: 06/05/2019) |
| 06/05/2019 | | MINUTE ORDER directing the government to provide any responsive, non–exempt documents to Plaintiff. The Court will set a further production schedule upon receipt of the government's July 5, 2015 status report. Signed by Judge Christopher R. Cooper on 6/5/2019. (lccrc1) (Entered: 06/05/2019) |
| 07/02/2019 | <u>26</u> | NOTICE of Appearance by Paul A. Mussenden on behalf of UNITED STATES DEPARTMENT OF JUSTICE (Mussenden, Paul) (Entered: 07/02/2019) |
| 07/05/2019 | <u>27</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Mussenden, Paul) (Entered: 07/05/2019) |
| 07/08/2019 | | MINUTE ORDER: Upon consideration of the government's <u>27</u> status report, it is hereby ordered that the government file a status report and proposed schedule for further proceedings by September 15, 2019. Signed by Judge Christopher R. Cooper on 7/8/2019. (lccrc1) (Entered: 07/08/2019) |
| 07/09/2019 | | Set/Reset Deadlines: Status Report due by 9/15/2019 (lsj) (Entered: 07/09/2019) |
| 09/12/2019 | <u>28</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Mussenden, Paul) (Entered: 09/12/2019) |
| 09/13/2019 | | MINUTE ORDER: Upon consideration of the government's <u>28</u> status report, it is hereby ordered that the government file a status report and proposed schedule for further proceedings by October 30, 2019. Signed by Judge Christopher R. Cooper on 9/13/19. (lccrc1) (Entered: 09/13/2019) |
| 10/30/2019 | <u>29</u> | STATUS REPORT by UNITED STATES DEPARTMENT OF JUSTICE. (Mussenden, Paul) (Entered: 10/30/2019) |
| 11/05/2019 | | MINUTE ORDER: In light of the Defendant's indication that on October 1, 2019, materials were sent to Plaintiff as a result of his Freedom of Information Act request, it is hereby ORDERED that by December 13, 2019 Plaintiff shall file a notice with the Court and serve a copy on counsel for Defendant indicating what, if any, issues |

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| | | Plaintiff believes remain to be addressed in this action. It is FURTHER ORDERED that, if any such issues remain to be addressed, Defendant shall file a proposed schedule to govern further proceedings by December 20, 2019. Signed by Judge Christopher R. Cooper on 11/5/19. (lccrc1) (Entered: 11/05/2019) |
| 11/06/2019 | | Set/Reset Deadlines: Status Report due by 12/13/2019. Proposed Schedule due by 12/20/2019 (lsj) (Entered: 11/06/2019) |